

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
)
v.) CASE NO. 2:21-CR-312-002
)
DANIEL MUESSIG)

MEMORANDUM IN AID OF SENTENCING

Daniel Muessig comes before this Court for sentencing following his guilty plea to conspiracy to possess with intent to distribute marijuana and possession with intent to distribute marijuana, in violation of 21 United States Code §846 and §841 at the above number. This marks the first and only criminal conviction for Mr. Muessig, who is currently 40 years of age. He has never previously been in trouble, either as a juvenile or as an adult. He has no prior criminal arrests, convictions, or juvenile adjudications. He has a true criminal history score of zero with a resulting criminal history category of I.

Mr. Muessig was indicted on July 20, 2021, at the above number. He made his initial appearance in this court on August 24, 2021. He timely notified the government and this Court of his willingness to accept responsibility, and entered a plea of guilty on November 16, 2021. He was released on bond and has remained on bond since that time. Paragraph 8 of the Presentence Report indicates that Mr. Muessig has complied with all court ordered conditions of release. Mr. Muessig has thus shown that he is amenable to supervision.

Mr. Muessig is married, and lives with his wife in Pittsburgh, PA. He has no children, but had begun the process of adoption prior to the time of his indictment. That process has been stopped, given Mr. Muessig's present circumstances. He has a significant history of self-employment. He worked as an attorney from 2013 until 2017. He let his practice and license lapse

in 2017, and began working as a property manager and developer. He remains working in property management and development.

Mr. Muessig is an educated individual with a stable work record. Mr. Muessig has been active in his faith community. He has actively and steadily performed volunteer work for the Jewish Foundation of Pittsburgh, delivering meals through Millie's Meals to seniors.

Mr. Muessig accepted responsibility for his conduct in an extremely timely fashion. He has continued to be employed and remains in compliance with all requirements of pre-trial services. He has been the subject of random drug testing, all of which have proven to be negative. He has a close family relationship with his wife, mother and father. Given that this is his only arrest in his entire life, coupled with his lack of drug use and steady employment history, it is submitted that he is unlikely to recidivate.

Mr. Muessig appears to satisfy all the criteria necessary for a three (3) level reduction to his guideline range based on his timely acceptance of responsibility. This would result in a total offense level of 23. Coupled with a criminal history category of I, it is believed that Mr. Muessig should be facing a guideline range of 46 to 57 months. This guideline range, however, will rise to 60 months, given the mandatory minimum sentence that Mr. Muessig faces. Given his otherwise law-abiding life, his steady history of employment and his strong family relationships, it is submitted that a sentence of 60 months would be an appropriate sentence for this man.

Attached as Exhibits A through O are letters in support of Mr. Muessig. He asks this Honorable Court to consider this information in sentencing him.

Mr. Muessig would respectfully request that this Honorable Court recommend that he serve his sentence at Morgantown, WV. He would also ask this Honorable Court to recommend that he

have the RDAP drug treatment program made available to him. Finally, Mr. Muessig would ask this Honorable Court to permit him to self-report to commence serving his sentence.

Respectfully submitted,

By: /s/ Charles J. Porter
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